

PUBLIC HEARING

MAINE GENERAL ASSISTANCE ORDINANCE APPENDICES A-H

SEPTEMBER 23, 2020

A public hearing was called to order at 6:07 PM by Chairman Josh Rolfe. In attendance were Board members Paula Johnson-Rolfe, James Whalen, James Jackson, and Leslie Haynes.

Mr. Rolfe noted that the purpose of this public hearing is to consider the proposed Maine General Assistance Ordinance Appendices A-H as suggested by the State of Maine and to receive public input and comments.

Mr. Rolfe asked the public joining via Zoom or in person at the meeting for any comments or questions on the general assistance appendices being considered. Mr. Jackson asked a question regarding the funding for general assistance. Mr. Rolfe explained that general assistance funds are placed in the town's budget each year and that the Town is reimbursed 70% of general assistance costs by the State. Finance Director Meghan Dennison noted that \$5950. was placed in this year's municipal budget for general assistance costs.

Hearing no further comments or/ questions, Mr. Rolfe closed the public hearing at 6:10 PM.

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BOARD OF SELECTPEOPLE - TOWN OF MACHIAS

SEPTEMBER 23, 2020

A meeting of the Machias Board of Selectpeople was called to order at the Machias Tele-business Center and via the Zoom platform at 6:11 PM by Chairman Josh Rolfe. In attendance were Board members Paula Johnson-Rolfe, James Whalen, James Jackson, and Leslie Haynes; Secretary Cathy Lord; Town Clerk Sandra Clifton; Finance Director Meghan Dennison; Public Works Director Mike Schoppee; Police Chief Todd Hand; Fire Chief Joey Dennison; Mary Angarola, Bruce Smith, Sandi Malagara, Sarah Craighead Dedmond, Bernard Metcalf.

1. MINUTES - REVIEW AND ACTION

On a motion by Paula Johnson Rolfe, seconded by James Jackson, the Board voted to approve the minutes of the August 31, 2020 Board meeting.

On a motion by Paula Johnson-Rolfe, seconded by James Jackson, the Board voted to approve the minutes of the September 9, 2020 Board meeting with the following correction to Item #6 (beginning time of the executive session corrected as underlined):

On a motion by Paula Johnson-Rolfe, seconded by James Whalen, the Board

VOTED:

To adjourn to executive session at 6:49 PM in accordance with MRSA Title 1 Chapter 13 Sub-section 405(6E) to consult with counsel.

On a motion by Paula Johnson-Rolfe, seconded by James Jackson, the Board

VOTED:

To adjourn the executive session at 7:32 PM and reconvene in open session.

On a motion by Paula Johnson-Rolfe, seconded by James Whalen, the Board

VOTED:

To assign the manager duties of a personnel issue brought to the Board's attention by Downeast Community Hospital to Betsy Fitzgerald.

2. WARRANTS - REVIEW AND ACTION

On a motion by Paula Johnson-Rolfe, seconded by James Jackson, the Board

VOTED:

To approve municipal warrant #20 in the amount of \$15,201.55; to approve municipal warrant #21 in the amount of \$76,463.13; to approve municipal warrant #22 in the amount of \$10,493.89; and, to approve municipal warrant #23 in the amount of \$257,208.14 .

On a motion by Paula Johnson-Rolfe, seconded by James Jackson, the Board

VOTED:

To approve school warrant #91120 in the amount of \$373,609.81 .

Mr. Whalen questioned if the Town Manager was being paid a salary based on her contract and accrued sick leave during her absence? Ms. Dennison explained that the Town Manager was being paid using sick leave time during her absence.

Mr. Whalen stated his concern that there is no record of what occurs in the Board's executive sessions.

3. MAINE GENERAL ASSISTANCE ORDINANCE APPENDICES A-H

On a motion by Paula Johnson-Rolfe, seconded by Leslie Haynes, the Board

VOTED:

To approve Maine General Assistance Ordinance Appendices A-H.

4. HEATING OIL BIDS

Mr. Rolfe read aloud the bid specifications on the purchase of #2 heating oil. The members of the Board opened bids received for the purchase of fuel oil.

Bids:

R.H. Foster Energy LLC - \$1.609 per gallon delivered with a firm differential of \$0.20

Frasier Energy Solutions - \$1.35 per gallon delivered with a firm differential of \$0.15

Dead River Company - \$1.367 per gallon delivered with a firm differential of \$0.12

J & K Fuel - \$1.4388 per gallon delivered with a firm differential of \$0.10

Mr. Rolfe noted that the lowest per gallon delivered price for the specific day outlined in the bid specifications is that given by Frasier Energy Solutions; he pointed out that the bid specifications asked that submitted bids be based on the Bangor rack price on the day of delivery. Mr. Rolfe explained that the Board had considerable discussion last year regarding the comparison of heating oil bids and that the Board had based their comparison of the bids using the per gallon delivery prices. He noted that the Town Manager had confirmed the delivery charges of last year's bidders to enable the Board to make the final decision on the award of the bid. Mr. Rolfe said that he recommended that the bid be awarded to J & K Fuel based on this company's bid outlining the lowest per gallon delivery cost on any delivery day as \$0.10 per gallon.

On a motion by Leslie Haynes, seconded by Paula Johnson-Rolfe, the Board VOTED:

To award the bid for the purchase of #2 heating oil to J & K Fuel based on a \$0.10 per gallon delivery cost (firm differential).

5. PROPANE BIDS

Mr. Rolfe read aloud the bid specifications on the purchase of propane fuel. The members of the Board opened the bids received for the purchase of propane fuel.

Bids:

R.H. Foster Energy LLC - \$1.319/gallon; firm differential of \$0.30/gallon = \$1.619 net delivered cost/gallon
Frasier Energy Solutions - \$1.13/gallon; firm differential of \$0.20/gallon = \$1.33 net delivered cost/gallon
Dead River Company - \$0.8514/gallon; firm differential of \$0.29/gallon = \$1.1414 net delivered cost/gallon
J & K Fuel - \$1.108/gallon; firm differential of \$0.249/gallon = \$1.357 net delivered cost/gallon

On a motion by Leslie Haynes, seconded by Paula Johnson-Rolfe, the Board VOTED:

Based on the bid specifications, to award the bid for propane fuel to Dead River Company.

6. WINTER SAND BIDS

Mr. Rolfe outlined the bid specification options. Members of the Board opened the bids submitted in response to the request for bids for winter sand.

Bids:

By Us Company: Option #1 - \$8.35/cubic yard Option #2 - \$5.60/cubic yard
*Option #3 - \$7.35/cubic yard
Hanscom Construction Company: Option #1 - \$9.75 /cubic yard Option #2 - \$7.50/cubic yard
Ivan Hanscom: Option #1 - \$13.50/cubic yard Option #2 - \$8.00/cubic yard

The Board discussed the bids received. Mr. Rolfe noted that By Us Company provided a third option which was not asked for in the bid specifications.

On a motion by Paula Johnson-Rolfe, seconded by Leslie Haynes, the Board
VOTED:

To award the bid for winter sand to By Us Company for Option #1 at \$8.35 per cubic yard.

7. SEWER FORECLOSURE

Mr. Rolfe noted that the Board has a request to accept payment on an account that has already been foreclosed upon; he expressed concern that the Town has never taken payments after a foreclosure. Mr. Rolfe noted that the Town had provided legal notice regarding the foreclosure to the former owner of the property. Ms. Clifton commented that the Board should have an agreement in place if they consider allowing the sewer charges to be paid by the former owner of the property. Mr. Bernard Metcalf told the members of the Board that he did not know about the foreclosure and that this was "an oversight". Mr. Metcalf told the Board that he did not get a notice on the foreclosure. Mr. Rolfe said that there is a concern of setting a precedence and that the Board needs to treat everyone in the same way. He noted that in the past requests to bring accounts current were made before property was put out to bid. Ms. Dennison suggested that the Board ask that Mr. Metcalf bring the status of his property taxes up to date as well. Mr. Rolfe said that the Board can look at the issue of the sewer bills and the property taxes separately. Ms. Clifton advised the Board that Mr. Metcalf owes the sum of \$1872.44 on sewer charges and owes \$3847. in outstanding property taxes.

Mr. Rolfe reviewed the status of the foreclosure. He noted that there was a sewer foreclosure by the Town for non-payment of sewer charges, the property has not been put out to bid yet by the Town, and that the Town is now the owner of the property. Mr. Rolfe discussed having Mr. Metcalf pay the sewer charges and property taxes on the property in order to regain the property. Ms. Johnson-Rolfe commented that in light of the situation it is not unreasonable to ask Mr. Metcalf to bring all the sewer charges and property taxes up to date within a reasonable time. Mr. Jackson suggested that Mr. Metcalf bring the sewer charges up to date as of this Friday, September 25th and bring the property taxes up to date as of Friday, October 2nd. Mr. Rolfe suggested giving Mr. Metcalf thirty days to bring both the sewer charges and property taxes up to date. The members of the Board discussed how to proceed.

On a motion by Paula Johnson-Rolfe, seconded by James Jackson, the Board
VOTED:

To give Mr. Metcalf a period of thirty days to pay all outstanding sewer charges and property taxes including any costs incurred by the Town.

8. DISCUSSION OF APPOINTMENT OF INTERIM TOWN MANAGER

Mr. Rolfe explained that the Board has spoken to town counsel on hiring an outside person to carry on the responsibilities of the town manager and was given the opinion that this was not feasible; he noted that the Town does not have the funds to hire an interim town manager. Mr. Whalen said that he would like to have another opinion. Ms. Dennison noted that Maine Municipal Association could provide an opinion. Mr. Whalen said that MMA could give an opinion as if an outside person can be hired or if someone from within town government can be appointed and discuss options with an MMA counsel. Mr. Jackson asked how affective would a storm-term town manager actually be? Mr. Whalen said that a second opinion would provide information on just what the Board can do. Mr. Whalen said there must be a state statute that would provide

guidance to the town; he added that there is a statute that says a town must have a town manager.

Mr. Rolfe said that he would contact MMA on questions; in the interim he pointed out that the Board has assigned town manager duties as needed to other people. Mr. Whalen cautioned that the Board not be controlled by the town counsel. Ms. Johnson-Rolfe cited and read the MRSA statutes regarding functions in the absence of a town manager and the assignment of duties. Mr. Whalen commented that he feels that the Board is running the town very clumsily in the absence of the town manager; he added that he felt that the Board needs guidance from a town manager on town matters. Mr. Whalen pointed out that something needs to be done about the pending issues on personnel and he noted that he had thought that the Board had made a decision at their last meeting regarding hiring personnel but that he was told by the Fire Chief that he was told not to hire personnel. Mr. Rolfe pointed out that there is still a grievance regarding an employee termination that the Board is dealing with. Mr. Whalen commented that in light of a recent fire it appears that the Town has failed in providing timely fire response; he added that he blames himself.

9. OTHER BUSINESS

A. A citizen who lives in a local trailer park expressed concern about open fire pits being allowed in the trailer park where two trailers recently burned. Mr. Schoppee explained that there is a state law prohibiting open fires and that violations should be reported to state authorities.

B. Mr. Schoppee told the Board that since the annual town meeting occurred late this year along with the knowledge that the winter season is fast approaching he wanted to suggest that he be allowed to proceed with spending the \$30,000. raised for shimming a section of the East Kennebec Road; he noted that the work needs to be done and asked that the municipal bidding process be waived due to the emergency nature of the situation. Mr. Schoppee advised the Board that he contacted several paving contractors but that no contractor responded except for Concrete Concrete who said they would perform the work for \$30,000. The Board discussed the need to get this work completed before winter.

Ms. Johnson-Rolfe read aloud the state statutes allowing towns to waive the formal bid process. Mr. Jackson noted that not getting this work completed could be a dangerous situation and needs to be addressed as soon as possible.

On a motion by James Whalen, seconded by Paula Johnson-Rolfe, the Board
VOTED:

Due to the lateness in the year and time constraints due to the weather, to waive the bidding process and hire County Concrete to perform paving work on the East Kennebec Road since this contractor has historically been the low bidder on municipal paving projects.

On a motion by Leslie Haynes, seconded by Paula Johnson-Rolfe, the Board voted to adjourn the meeting at 7:59 PM.